

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1047

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-6-5-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 5.7. (a) There is imposed an annual excise tax on mini-trucks (as defined in IC 9-13-2-103.1). The tax shall be paid at the same time the mini-truck is registered.**

(b) Except for the amount of tax imposed, a mini-truck is to be treated the same as a vehicle for purposes of this chapter.

(c) The amount of tax owed for a mini-truck under subsection (a) for a year is thirty dollars (\$30). The tax is due at the same time the owner is or would be required to pay the motor vehicle excise tax under this chapter.

SECTION 2. IC 9-13-2-42, AS AMENDED BY HEA 1396-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year. The term includes a person who sells off-road vehicles, ~~and, after December 31, 2013, a person who sells snowmobiles, or mini-trucks.~~ A dealer must have an established place of business that meets the minimum standards



prescribed by the secretary of state under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) An automotive mobility dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public at least six (6):

- (1) boats; or
- (2) trailers:
 - (A) designed and used exclusively for the transportation of watercraft; and
 - (B) sold in general association with the sale of watercraft;

per year.

(d) "Dealer", for purposes of IC 9-32, and unless otherwise provided, means:

- (1) an automobile auctioneer;
- (2) an automotive mobility dealer;
- (3) a converter manufacturer;
- (4) a dealer;
- (5) a distributor;
- (6) a manufacturer;
- (7) a salvage dealer;
- (8) a transfer dealer;
- (9) a watercraft dealer; or
- (10) before July 1, 2015, a wholesale dealer.

SECTION 3. IC 9-13-2-103.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 103.1. "Mini-truck" means a truck that:**

- (1) is powered by an internal combustion engine with a piston or rotary displacement of not less than six hundred sixty (660) cubic centimeters;**
- (2) is sixty (60) inches or less in width;**
- (3) has an unladen dry weight of one thousand six hundred (1,600) pounds or less;**
- (4) can achieve a top speed of not more than sixty (60) miles per hour;**
- (5) is manufactured with a locking enclosed cab and a heated interior; and**
- (6) is operated on a highway.**



SECTION 4. IC 9-13-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 124. (a) "Person" means, except as otherwise provided in this section, an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 9-14-3.5, does not include the state or an agency of the state.

(c) "Person", for purposes of IC 9-17:

(1) has the meaning set forth in subsection (a); and

(2) includes a sole proprietorship.

~~(c)~~ **(d)** "Person", for purposes of IC 9-20-14, IC 9-20-15, and IC 9-20-18-13(b), means a mobile home or sectionalized building transport company, mobile home or sectionalized building manufacturer, mobile home or sectionalized building dealer, or mobile home or sectionalized building owner.

~~(d)~~ **(e)** "Person", for purposes of ~~IC 9-23~~, **IC 9-32**, means an individual, a corporation, a limited liability company, an association, a partnership, a trust, or other entity. The term does not include the state, an agency of the state, or a municipal corporation.

SECTION 5. IC 9-13-2-124, AS AMENDED BY HEA 1396-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 124. (a) "Person" means, except as otherwise provided in this section, an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 9-14-3.5, does not include the state or an agency of the state.

(c) "Person", for purposes of IC 9-17:

(1) has the meaning set forth in subsection (a); and

(2) includes a sole proprietorship.

~~(c)~~ **(d)** "Person", for purposes of IC 9-20-14, IC 9-20-15, and IC 9-20-18-13(b), means a mobile home or sectionalized building transport company, mobile home or sectionalized building manufacturer, mobile home or sectionalized building dealer, or mobile home or sectionalized building owner.

~~(d)~~ **(e)** "Person", for purposes of IC 9-32, means an individual, a corporation, a limited liability company, an association, a partnership, a trust, or other entity. The term does not include the state, an agency of the state, or a municipal corporation.

SECTION 6. IC 9-17-1-1, AS AMENDED BY HEA 1393-2015, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2016]: Sec. 1. (a) This article does not apply to the following:

- (1) Special machinery.
- (2) Farm wagons.
- (3) A golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).
- (4) A motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.
- (5) Snowmobiles.
- (6) Motor driven cycles.
- (7) Except as otherwise provided, any other vehicle that is not registered in accordance with IC 9-18-2.

(b) Notwithstanding subsection (a), a person may apply for:

- (1) a certificate of title under IC 9-17-2-2; or
- (2) a special identification number IC 9-17-4;

for a vehicle listed in subsection (a). An application under this subsection must be accompanied by the applicable fee under IC 9-29.

(c) IC 9-17-2, IC 9-17-3, IC 9-17-4, and IC 9-17-5 apply to a mini-truck.

SECTION 7. IC 9-17-1-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. For purposes of this article, "person" has the meaning set forth in IC 9-13-2-124(c).**

SECTION 8. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 2. This article applies to a mini-truck with the exception of the following:**

- (1) IC 9-18-7.**
- (2) IC 9-18-9 through IC 9-18-11.**
- (3) IC 9-18-13 through IC 9-18-14.**
- (4) IC 9-18-27 through IC 9-18-28.**
- (5) IC 9-18-32.**

SECTION 9. IC 9-18-12.5-7, AS ADDED BY SEA 506-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7. (a) An operator may apply to the bureau to participate in the program.**

(b) An application must be in the form and manner prescribed by the bureau and must contain the following information:

- (1) The name and business address of the operator.**
- (2) The preferred expiration month requested by the operator.**



~~(3) Certificates of title and registration for all fleet vehicles in the exact name of the operator.~~

~~(4)~~ (3) All counties in which the fleet vehicles are registered.

~~(5)~~ (4) Any other information required by the bureau.

The bureau may designate an expiration month that differs from the preferred expiration month requested by the operator under subdivision (2).

(c) The bureau shall approve an application if the bureau is satisfied that the application is complete and accurate. Upon approval of the application, the bureau shall assign the fleet operator a fleet number.

(d) If an application does not contain a preferred expiration month, the bureau may:

(1) deny the application; or

(2) designate an expiration month and approve the application.

(e) An operator may not register a vehicle as a fleet vehicle in a county that is not designated in the application.

SECTION 10. IC 9-21-8-46, AS AMENDED BY P.L.210-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 46. A person may not drive or operate:

(1) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; ~~or~~

(2) a piece of special machinery; **or**

(3) a mini-truck;

upon any part of an interstate highway.

SECTION 11. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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